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Section 3.1.1 talks about how DOE would obtain permanent control of the land surrounding the repository site, yet makes no mention of how it plans to own that area. The area in question (in fact all of Yucca Mountain) is currently owned by the Western Shoshone Nation under the 1863 Treaty of Ruby Valley. The Nuclear Regulatory Commission requires DOE to prove ownership of the lands it plans to use, yet DOE does not have ownership. Permanent control cannot be proved without legal title to these lands, and the landowners oppose the project.

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